

AMENDED IN SENATE MAY 23, 2008
AMENDED IN ASSEMBLY MAY 14, 2007
AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 429

Introduced by Assembly Member Evans

February 16, 2007

An act to add Section ~~1865.5~~ 1868 to the Civil Code, relating to lodging.

LEGISLATIVE COUNSEL'S DIGEST

AB 429, as amended, Evans. Lodging: privacy.

Existing law prescribes the rights and responsibilities of innkeepers, hotelkeepers, and boardinghouse or lodginghouse keepers, among others, in relation to their guests, boarders, tenants, or lodgers, as specified.

~~This bill would prohibit an innkeeper from disseminating the personal information of a guest, as defined, to any 3rd party, with specified exceptions~~ *provide that an innkeeper shall not be required to produce information from a guest registry, except upon the request of a peace officer investigating a criminal offense who has a reasonable suspicion that the registry contains the identity of a person relevant to the investigation. The bill also would permit a peace officer to seize a guest registry only if there is probable cause for the peace officer to believe that the registry contains the identity of a person relevant to the investigation.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1868 is added to the Civil Code, to read:*

2 1868. (a) (1) *An innkeeper shall not be required to produce*
3 *information from a guest registry, except upon the request of a*
4 *peace officer investigating a criminal offense who has a reasonable*
5 *suspicion that the registry contains the identity of a person relevant*
6 *to the investigation.*

7 (2) *A peace officer may seize a guest registry only if there is*
8 *probable cause, as required by the state and federal law, for the*
9 *peace officer to believe that the registry contains the identity of a*
10 *person relevant to the investigation.*

11 (b) *For the purposes of this section, the following terms shall*
12 *have the following meanings:*

13 (1) *“Guest” has the same meaning as specified in subdivision*
14 *(b) of Section 1865.*

15 (2) *“Hotel” has the same meaning as specified in subdivision*
16 *(a) of Section 1865.*

17 (3) *“Innkeeper” has the same meaning as specified in*
18 *subdivision (a) of Section 1865.*

19 (4) *“Peace officer” means any person specified in Section 830.1,*
20 *830.2, or 830.3 of the Penal Code, if the person is acting in his or*
21 *her official capacity and within his or her authority.*

22 (c) *Nothing in this section shall be construed to limit the ability*
23 *of a city, county, or city and county to examine relevant information*
24 *necessary to establish compliance with transient occupancy tax*
25 *obligations.*

26 ~~SECTION 1. The Legislature hereby finds and declares:~~

27 ~~(a) Guests of lodging establishments have a reasonable~~
28 ~~expectation that dissemination of their personal information will~~
29 ~~be limited in order to protect their privacy and security.~~

30 ~~(b) Lodging establishments will benefit from statutory guidance~~
31 ~~relating to the release of personal information not initiated,~~
32 ~~requested, or consented to by guests of hotels or similar forms of~~
33 ~~accommodation.~~

34 ~~(c) Thus, this act shall govern the dissemination of personal~~
35 ~~information not initiated, requested, or consented to by guests in~~
36 ~~hotels or similar forms of transient lodging establishments.~~

37 ~~SEC. 2. Section 1865.5 is added to the Civil Code, to read:~~

1 ~~1865.5. (a) Except as provided in subdivision (b), an innkeeper~~
2 ~~shall not disseminate the personal information of a guest to any~~
3 ~~third party.~~

4 ~~(b) The personal information of a guest may be disseminated~~
5 ~~to a third party only under the following circumstances:~~

6 ~~(1) If dissemination is initiated, requested, or consented to by~~
7 ~~the guest.~~

8 ~~(2) If the information is provided in order to comply with a~~
9 ~~subpoena or other court order.~~

10 ~~(3) If dissemination is made to address accounting or billing~~
11 ~~issues.~~

12 ~~(4) If dissemination is to a travel agent, booking authority,~~
13 ~~meeting planner, or any other person involved in booking or~~
14 ~~arranging the hotel stay.~~

15 ~~(5) If the dissemination is necessary to protect the immediate~~
16 ~~health, safety, or security of the guest or guests.~~

17 ~~(c) For purposes of this section:~~

18 ~~(1) "Guest" has the meaning specified in subdivision (b) of~~
19 ~~Section 1865.~~

20 ~~(2) "Hotel" has the meaning specified in subdivision (a) of~~
21 ~~Section 1865.~~

22 ~~(3) "Innkeeper" has the meaning specified in subdivision (a) of~~
23 ~~Section 1865.~~

24 ~~(4) "Personal information" means information personally~~
25 ~~identifiable to a guest, including, but not limited to, name, room~~
26 ~~number, personal address, telephone number, driver's license or~~
27 ~~state identification card number, passport number, debit card~~
28 ~~number, or credit card number.~~